THE HONOURABLE MS.JUSTICE G.ROHINI

W.P.NO.24320 OF 2004

DATED:05-12-2005

Between:

Chilkuri Thirupathi Petitioner

And

The Collector (CS) Adilabad and others

Respondents

THE HONOURABLE MS.JUSTICE G.ROHINI

W.P.NO.24320 OF 2004

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The petitioner is the authorized dealer of the fair price shop of Edulawada village, Asifabad Mandal. It appears that the Deputy Tahsildar, Enforcement, Asifabad, has inspected the fair price shop on 23-11-2004 and seized stocks on the allegation that the petitioner has committed certain irregularities in maintaining the fair price shop and distributing the essential commodities. In pursuance thereof, a show cause notice dated 26-11-2004 was issued by the Sub Collector, Asifabad, calling upon the petitioner to show cause as to why the authorization of the petitioner should not be cancelled. The petitioner submitted a detailed explanation denying all the allegations. Admittedly, no order has been passed by the Revenue Divisional Officer, Asifabad, either canceling or suspending the authorization of the petitioner. However, the supply of essential commodities to the shop of the petitioner was stopped by the third respondent. It is also relevant to note that an enquiry under Section 6-A of Essential Commodities Act,(for short 'the Act'), has been initiated for confiscation of stocks seized and on the basis of the same, the third respondent by proceedings No.C/2336/2004 dated Nil -12-2004 directed the card holders to get their essential commodities from the dealers of Gopal Burguda. Aggrieved by the said action of the respondents, this writ petition is filed.

A counter affidavit has been filed on behalf of the respondents, from which, it is clear that even as on today, the authorization of petitioner is neither cancelled nor suspended.

In the circumstances, I am of the opinion that the third respondent is not justified in making the alternative arrangement under the impugned proceedings. The law is well settled that even during the pendency of the proceedings under Section 6-A of the Act, in the absence of order either suspending or canceling the authorization of the fair price shop dealer, the dealer is entitled for release of

essential commodities.

Accordingly, the writ petition is disposed of with a direction to the respondents to supply the essential commodities to the petitioner notwithstanding the fact enquiry under Section 6-A of the Act is pending. However, it is made clear that this order does not preclude the respondents to initiate appropriate proceedings against the petitioner under A.P. State Public Distribution System Control Order, 2001 and to take necessary action following due process of law. No order as to costs.

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05-12-2005

Stp